



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARIA AGUIRRE

v.

PLAZAMERICAS MALL TEXAS, LLC

§  
§  
§  
§  
§

C.A. No. \_\_\_\_\_

**EXHIBIT A**  
**INDEX OF MATTERS FILED**

Defendant PlazAmericas Mall Texas LLC, submits the following documents in support of  
its Notice of Removal:

- Ex. A-1 Plaintiff's Original Petition and Requests for Disclosure;
- Ex. A-2 Citation with Return on PlazAmericas Mall Texas, LLC;
- Ex. A-3 State Court Action Docket Summary as of June 6, 2018;
- Ex. A-4 State Court Action Full Docket Sheet as of June 6, 2018;
- Ex. A-5 List of all Counsel of Record



The incident giving rise to this cause of action occurred in Harris County, Texas.

**III.**

Damages sought are within the jurisdictional limits of this Court. Plaintiff seeks monetary relief of over \$200,000 but not more than \$1,000,000.

This Court has jurisdiction and venue is proper in Harris County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.002(a)(1) in that all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

**IV.**

On or about June 25, 2016, Plaintiff was an invitee at the PlazAmericas Mall located at 201 Sharpstown Center, Houston, Texas 77036. This facility was owned, operated, managed and/or maintained by Defendant. On the occasion in question, Plaintiff was walking in the premises when she slipped and fell on a negligently maintained wet floor that posed an unreasonable risk of harm to Plaintiff and others. Defendant had actual knowledge of the danger. Plaintiff did not have actual knowledge of the danger posed by the wet floor. As a result of the incident and Defendant's breach, Plaintiff sustained serious personal injuries as described herein.

**V.**

Plaintiff would show that the incident in question and her resulting injuries and damages were brought about and caused due to the negligence and carelessness of the Defendant through the actions of one or more of its agents, servants and/or employees, in some or more of the following ways, to-wit:

1. In failing to maintain the premises in question in a reasonably safe condition and

- free of hazards to Plaintiff and other invitees entering the premises;
- 2 In failing to correct the unreasonably dangerous condition which was created by the condition and location of the improperly maintained wet floor in question;
3. In failing to adequately warn invitees, including the Plaintiff, of the location and condition of the wet floor.
4. In failing to properly inspect the premises in question to discover the unreasonably dangerous condition created by the location and condition of the wet floor in question;
5. In failing to properly train its agents, servants, and/or employees regarding the proper manner in which to make the premises reasonably safe;
6. In failing to implement proper policies, rules, and/or procedures to make its premises reasonably safe; and
- 7 The condition and location of the wet floor posed an unreasonable risk of harm to invitees of the Defendant of which Defendant knew, or reasonably should have known.

The above acts or omissions by the Defendant, singularly or collectively, constituted negligence and proximately causing Plaintiff's injuries and damages

#### VI.

As a direct and proximate result of the aforementioned acts and omissions of negligence by the Defendant, Plaintiff sustained the following damages for which she is legally entitled to recover:

1. Necessary and reasonable medical expenses, past and future;
- 2 Physical pain and mental anguish, past and future;
- 3 Physical impairment, past and future;
- 4 Disfigurement, past and future.
- 5 Loss of earning capacity, past and future; and
6. Pre-judgment interest and costs of Court

If it be found that Plaintiff was suffering from any predispositions, conditions or bodily infirmities prior to the date of the collision, Plaintiff would show unto the Court and jury that the same was neither disabling nor painful, but that as a result of the injuries suffered by Plaintiff on such occasion, and the effects thereof, the same had been incited, accelerated, and aggravated to such an extent that they have now become painful and disabling as described herein

**Plaintiff's Original Petition and Requests for Disclosure**

**VII.**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this request.

**VIII.**

Please take notice that, pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, for purposes of self-authentication, any and all documents produced by Defendant to Plaintiff in response to written discovery will be used against Defendant at any pretrial proceeding or at trial.

**IX.**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein; that upon trial hereof Plaintiff have judgment of the Court against such Defendant in a total amount of money substantially in excess of the minimum jurisdictional limit of this Court, together with prejudgment and post-judgment interest as provided by applicable laws; for all costs of court; and for all such other and further relief, both general and special, legal and equitable, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

**THE CRIM LAW FIRM, P.C.**

/s/ *Wade D. Moriarty*

Wade D. Moriarty  
Texas Bar No. 00789503  
4900 Travis St.  
Houston, Texas 77002  
(713)-807-7800 Telephone  
(713)-807-8434 Facsimile  
Wade@TheCrimLawFirm.com

**ATTORNEY FOR PLAINTIFF**

CAUSE NO. 201829426

2018-29426

RECEIPT NO.

0.00

CIV

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TR # 73490307

EXHIBIT

A-2

PLAINTIFF: AGUIRRE, MARIA  
vs.  
DEFENDANT: PLAZAMERICAS MALL TEXAS LLC

In The 55th  
Judicial District Court  
of Harris County, Texas  
55TH DISTRICT COURT  
Houston, TX

## CITATION

THE STATE OF TEXAS  
County of Harris

TO: PLAZAMERICAS MALL TEXAS LLC (A FOREIGN LIMITED LIABILITY COMPANY)  
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY DBA  
CSC-LAWYERS INCORPORATING SERVICE COMPANY  
OR WHEREVER IT MAY BE FOUND  
211 E 7TH STREET SUITE 620 AUSTIN TX 78701

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE

This instrument was filed on the 2nd day of May, 2018, in the above cited cause number  
and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a  
written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday  
next following the expiration of 20 days after you were served this citation and petition,  
a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 2nd day of May, 2018, under my hand and  
seal of said Court.

Issued at request of:  
MORIARTY, WADE D.  
4900 TRAVIS STREET  
HOUSTON, TX 77002  
Tel: (713) 807-7800  
Bar No.: 789503



*Chris Daniel*

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: CUERO, NELSON 7MM//10942171

## OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 5 o'clock P.M., on the 5th day of MAY, 2018

Executed at (address) \_\_\_\_\_ in

\_\_\_\_\_ County at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, by delivering to \_\_\_\_\_ defendant, in person, a

true copy of this Citation together with the accompanying \_\_\_\_\_ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

FEE: \$ \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_ County, Texas

By \_\_\_\_\_ Deputy

Affiant

On this day, \_\_\_\_\_, known to me to be the person whose  
signature appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited on the  
return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public

**RETURN OF SERVICE**

**Cause No. 2018-29426**

**In the 55th Judicial District of  
Harris County, Texas**

**MARIA AGUIRRE**  
Plaintiff

**V.**

**PLAZAMERICAS MALL TEXAS, LLC**  
Defendant

Came to hand on May 05, 2018, at 05:00 PM.

Executed at 211 E. 7th Street, Suite 620, Austin, TX 78701, within the County of Travis at 9:45 AM on May 07, 2018, by delivering to the within named:

**PLAZAMERICAS MALL TEXAS, LLC,**

**by delivering to its Registered Agent, CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY, by and through its designated agent, ROBERT WILLIAMS, a true copy of this Citation together with Plaintiff's Original Petition and Requests for Disclosure, having first endorsed upon such copy of such process the date of delivery.**

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By: \_\_\_\_\_

Thomas R. Kroll PSC-3012,  
Exp: 8/31/2019

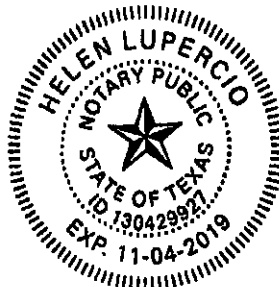
**VERIFICATION**

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Thomas R. Kroll, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this May 07, 2018.

18-032491/Aguirre



Helen Lupercio  
NOTARY PUBLIC, STATE OF TEXAS



HCDistrictclerk.com

AGUIRRE, MARIA vs. PLAZAMERICAS MALL TEXAS  
LLC

6/6/2018

Cause: 201829426

CDI: 7

Court: 055

EXHIBIT

A-3

## SUMMARY

## CASE DETAILS

<b>File Date</b>	5/2/2018
<b>Case (Cause) Location</b>	
<b>Case (Cause) Status</b>	Active - Civil
<b>Case (Cause) Type</b>	Premises
<b>Next/Last Setting Date</b>	N/A
<b>Jury Fee Paid Date</b>	N/A

## CURRENT PRESIDING JUDGE

<b>Court</b>	055 <sup>th</sup>
<b>Address</b>	201 CAROLINE (Floor: 9) HOUSTON, TX 77002 Phone:7133686055
<b>JudgeName</b>	JEFF SHADWICK
<b>Court Type</b>	Civil

HCDistrictclerk.com

AGUIRRE, MARIA vs. PLAZAMERICAS MALL TEXAS  
LLC

6/6/2018

Cause: 201829426      CDI: 7      Court: 055

## APPEALS

No Appeals found.

## COST STATMENTS

No Cost Statments found.

## TRANSFERS

No Transfers found.

## POST TRIAL WRITS

No Post Trial Writs found.

## ABSTRACTS

No Abstracts found.

## SETTINGS

No Settings found.

## SERVICE

No Service found.

## NOTICES

No Notices found.

## SUMMARY

### CASE DETAILS

<b>File Date</b>	5/2/2018
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<b>JudgeName</b>	JEFF SHADWICK
<b>Court Type</b>	Civil

## ACTIVE PARTIES

Name	Type	Post Jdgm	Attorney
AGUIRRE, MARIA  4900 TRAVIS STREET, HOUSTON, TX 77002	PLAINTIFF - CIVIL		MORIARTY, WADE D.
PLAZAMERICAS MALL TEXAS LLC	DEFENDANT - CIVIL		TOY, DAVID STEPHEN



PLAZAMERICAS MALL TEXAS LLC (A FOREIGN REGISTERED AGENT  
LIMITED LIABILITY COMPANY)

## INACTIVE PARTIES

No inactive parties found.

## JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs /Page	Volume Filing Attorney	Person Filing
5/25/2018	ANSWER ORIGINAL PETITION			0	TOY, DAVID STEPHEN	PLAZAMERICAS MALL TEXAS LLC
5/2/2018	ORIGINAL PETITION			0	MORIARTY, WADE D.	AGUIRRE, MARIA

## DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
80104413	Defendant's Answer to Original Petition		05/25/2018	4
80179301	Citation		05/11/2018	2
79747237	Plaintiff's Original Petition and Requests for Disclosure		05/02/2018	5
-> 79747238	Civil Case Information Sheet		05/02/2018	1
-> 79747239	Civil Process Request		05/02/2018	2
79808617	Civil Process Pick-Up Form		05/02/2018	1



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SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARIA AGUIRRE

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PLAZAMERICAS MALL TEXAS, LLC

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C.A. No. \_\_\_\_\_

**COUNSEL OF RECORD**

**THE CRIM LAW FIRM, P.C.**

Wade D. Moriarty

TX SBN 00789503

4900 Travis Street

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Facsimile: 713 807 8434

Email: [Wade@TheCrimLawFirm.com](mailto:Wade@TheCrimLawFirm.com)

*Attorney for Plaintiff Maria Aguirre*

**SPAGNOLETTI & CO.**

David S. Toy

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Eric J. Rhine

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*Attorneys for Defendant  
PlazAmericas Mall Texas, LLC*